

Appl. No.: 10/582,719
Amdt. dated April 27, 2011
Reply to Office Action of December 27, 2010

Amendments to the Drawings:

The Office Action objected to Figure 4 for including the following reference characters not mentioned in the specification: 114, 116, 120, 124, 126, 128, and 130. In response, Applicant submits herewith a replacement Figure 4, having each of the above-mentioned reference characters removed. Accordingly, Applicant respectfully submits that the objection to Figure 4 has been fully addressed and thus requests withdrawal of the objection and issuance of a Notice of Allowance.

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration of the present application, withdrawal of the previously presented rejections, and formal notification of allowance of all pending claims in view of the foregoing amendments and the following remarks.

I. Status of Claims

This Amendment is in response to the Office Action mailed December 27, 2011. In that Office Action, Figure 4 was objected to for including certain reference characters not mentioned in the specification. Claims 1, 2, 4, 5, 10, and 12 were then rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,514,598 to Plice ("Plice"). Further, the Office Action rejected Claim 3 under 35 U.S.C. § 103(a) as being rendered obvious by *Plice* in view of U.S. Patent No. 4,546,950 to Cech ("Cech"). The Office Action concluded by objecting to Claims 6-9 and 11 as being dependent upon a rejected base claim, but being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

For the Examiner's reference, Applicant has amended only Claim 12 in this Amendment, and as such Claims 1-12 remain pending in the application.

II. Rejection of Independent Claims 1 and 12

With regard to the rejection of independent Claims 1 and 12 under 35 U.S.C. § 102(b) as anticipated by *Plice*, Applicant respectfully disagrees.

In particular, Applicant asserts that independent Claims 1 and 12 are not anticipated by *Plice* because the reference fails to disclose at least "a mount adapted to rigidly clamp a microphone body at a plurality of discrete points on the circumference of the microphone body." Indeed, *Plice* discloses a circumferential array of isolators (2), with each isolator therein defining an elongated friction surface (14), which in turn contacts a held microphone over an extended surface area, as depicted in at least Figures 1-3. In other words, the contact between each of the isolators (e.g., via the friction surfaces) and the held microphone of Plice does not constitute contact at a discrete point, but rather contact over a large area or surface. Such is particularly evident in Figure 1 of *Plice*, which depicts each of the isolators (2) extending in a longitudinal

direction with respect to the microphone such that each of the isolators contacts the microphone over a relatively large longitudinal surface area. Such is likewise evident in Figure 2 of *Plice*, which depicts the isolators (2) circumferentially abutting one another, thereby forming an essentially continuous circumferential contact (e.g. friction) surface, as opposed to the “discrete contact points” of Claims 1 and 12.

Furthermore, the mount of *Plice* is described therein as a “shock mounting apparatus,” which embodies resilience in order to isolate a microphone from external vibrations. *See e.g.* Col. 2, lines 24-26 and Col. 4, lines 37-39. In this regard, the isolators (2) of *Plice* are most preferably made from butyl rubber, which exhibits a high degree of internal damping that enables the isolators to resiliently absorb external vibrations via a rolling compliance motion. *See e.g.* Col. 3, line 60 – Col. 4, line 36. In other words, the isolators (2) of *Plice* fluidly contact the held microphone so as to absorb external vibrations, as opposed to the discrete contact points of Claims 1 and 12, which rigidly clamp the microphone body.

Accordingly, for at least these reasons, Applicant respectfully asserts that independent Claims 1 and 12 provide a patentable distinction over *Plice*, and respectfully requests that the Examiner withdraw the current rejection of these claims and issue a Notice of Allowance.

III. Rejections of Claims 2-5 and 10, and Objections to Claims 6-9 and 11

With respect to the rejection of and/or objection to dependent Claims 2-11, the patentability of the independent claim from which these claims depend has been argued as set forth above, and thus Applicant will not take this opportunity to argue the merits of the rejections and/or objections with regard to these claims. However, Applicant does not concede that these dependent claims are not independently patentable and reserves the right to argue their patentability at a later date, if necessary.

IV. Conclusion

Based on the foregoing amendments and arguments, Applicant submits that the cited prior art fails to disclose the limitations of the presently pending claims. Applicant therefore submits that the present application is in condition for allowance and respectfully requests that the Examiner issue a Notice of Allowance. The Examiner is encouraged to contact Applicant’s

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undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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